

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF NEW YORK

NUHN INDUSTRIES LTD.,

Plaintiff,

v.



25-MC-26 (JLS)

BAZOOKA-FARMSTAR, LLC,

Defendant.

DECISION AND ORDER

Before the Court is non-party Robert Brunet's motion to quash Defendant Bazooka-Farmstar LLC's subpoena for a deposition. Dkt. 1. The underlying case is currently pending in the United States District Court for the Southern District of Iowa (Case No. 3:22-cv-00015-SMR-HCA) and involves alleged patent infringement claims. Dkt. 7, at 6; Dkt. 1-1, at 2–3.¹ Brunet is a registered patent agent before the United States Patent and Trademark Office ("USPTO"). Dkt. 7, at 7; Dkt. 1-1, at 3. And he prosecuted the patent applications at issue in this matter. Dkt. 7, at 6–7; Dkt. 1-1, at 3. Brunet is also a Canadian citizen. Dkt. 7, at 7; Dkt. 1-1, at 2.

Defendant served Brunet with a subpoena on May 16, 2025, to appear for a deposition. Dkt. 7, at 6; Dkt. 1-1, at 5. Brunet then moved to quash the subpoena on June 5, 2025. Dkt. 1. He asserts that the Court should grant the motion for the following reasons: (1) this Court does not have personal jurisdiction over Brunet to

¹ Page numbers referenced refer to the CM/ECF pagination.

enforce the subpoena; (2) the subpoena imposes an undue burden; and (3) the motion to quash is timely. *See* Dkt. 1-1, at 8–12. In the alternative, Brunet requests that this Court modify the subpoena to comport with the parties’ consent order for a deposition in Canada. *See id.* at 11–12.

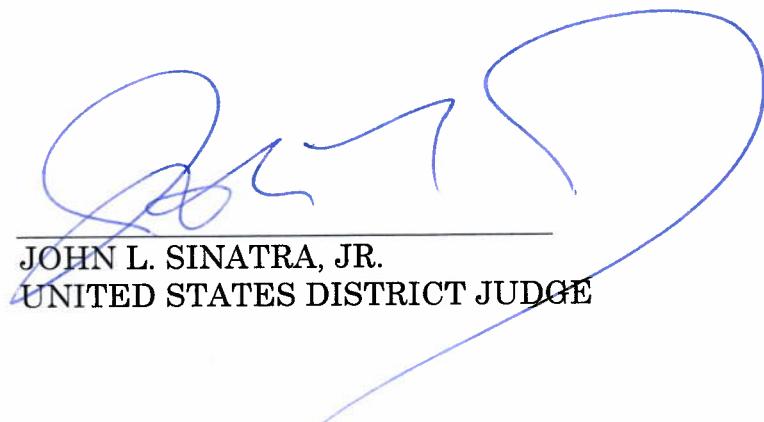
Defendant responded in opposition,² arguing that this Court has personal jurisdiction over Brunet to enforce the subpoena and that the subpoena does not impose an undue burden on Brunet. *See* Dkt. 7, at 14–22. Defendant further contests Brunet’s alternative argument to modify the subpoena. *See id.* at 22–23. Brunet replied. Dkt. 12.

² Defendant also cross-moved to enforce the subpoena. *See* Dkt. 7, at 6.

The Court DENIES the motion to quash (Dkt. 1) for all of the reasons detailed in Defendant's memorandum of law in opposition to the motion (*see* Dkt. 7).³ In light of this decision, the Court also GRANTS Defendant's cross-motion to enforce the subpoena. Dkt. 7, at 6. The Clerk of Court is directed to close this case and send a copy of this decision to the United States District Court for the Southern District of Iowa, Case No. 3:22-cv-00015-SMR-HCA.

SO ORDERED.

Dated: July 9, 2025
Buffalo, New York



JOHN L. SINATRA, JR.
UNITED STATES DISTRICT JUDGE

³ For these reasons, the Court also rejects Brunet's alternative argument to modify the subpoena.